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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,132	07/13/2001	Kishore Karighattam	2016P/F0997	3860

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,132

Applicant(s)

KARIGHATTAM ET AL.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5, 6, 8-10 and 12 is/are rejected.
7) ☒ Claim(s) 4, 7 and 11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 5, 6, 8, 9, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallory et al. (US 6877043 B1) in view of Szczepanek (US 6414956 B1).

Regarding claims 1, 5, 9, Mallory et al. disclose the limitation of a method, home phone line controller, Ethernet controller, system for supporting frame priority in a home phone line network (Fig. 1d, column 3, lines 13 – 21; column 20, lines 59 – 63; column 23, lines 4 – 7; lines 32 – 41; Fig. 4a, element 360, column 10, lines 37 – 57), comprising of: (a) detecting a limited automatic repeat request (LARQ) header in a frame with a priority tag (column 36, lines 26 – 38; column 37, lines 54 – 64; column 39, lines 26 – 38; column 40, lines 19 – 22); (b) stripping the LARQ header and a frame check sequence (FCS) in the frame with the priority tag (column 39, lines 58 – 67; column 41, lines 51 – 67); Mallory et al. does not disclose expressly recalculating the FCS for the stripped frame with the priority tag; and adding the recalculated FCS to the stripped frame with the priority tag. Szczepanek discloses the limitation of recalculating the FCS for the stripped frame with the priority tag (Fig. 3, column 3, lines 47 – 53; lines 31 – 36); and adding the recalculated FCS to the stripped frame with the priority tag

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(column 3, line 57 – 67, column 4, lines 1 – 13; lines 63 – 67; column 5, lines 1 – 12, lines 24 – 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mallory et al. to include recalculating the FCS for the stripped frame with the priority tag; and adding the recalculated FCS to the stripped frame with the priority tag such as that taught by Szczepanek in order to provide a method, system and apparatus for communicating data over shared media access (as suggested by Szczepanek, see column 1, lines 5 – 6).

Regarding claims 2, 6, 10, Mallory et al. disclose the limitation of a method, controller wherein the stripping step (b) comprising (b1) placing information in the LARQ header in a frame status which will follow the stripped frame with the priority tag (column 41, lines 51 – 55; column 39, lines 35 – 40; column 40, lines 19 – 26;).

Regarding claims 3, Mallory et al. disclose the limitation of the method of claimed, further comprising: (e) sending the stripped frame with the priority tag and the recalculated FCS to an Ethernet controller (Fig. 4a, Fig. 30, column 21, line 67; column 22, lines 1 – 15; column 23, lines 32 – 41; column 46, lines 23 – 29; Fig. 4a, column 10, lines 37 – 57).

Regarding claims 8, 12, Mallory et al. discloses the limitation of a method for supporting frame priority in a home phone line network (Fig. 1d, column 3, lines 13 – 21; column 20, lines 59 – 63; column 32 – 41). Mallory et al. does not disclose expressly a controller of claimed wherein an asserted fourth signal to the third logic block enables the recalculation of the FCS. Szczepanek discloses the limitation of a controller of claimed wherein an asserted fourth signal to the third logic block enables the recalculation of the

FCS (Fig. 4, element 404, column 6, lines 31 – 33). It would have been obvious to modify Mallory et al. to include a controller of claimed wherein an asserted fourth signal to the third logic block enables the recalculation of the FCS such as that taught by Szczepanek in order to provide an improved switching device operating in a shared media environment.

Allowable Subject Matter

3. Claims 4, 7, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 11/10/2005 with respect to claims 1 – 12 have been considered but they are not persuasive.

Regarding claims 1, 5, 9, Applicant argues that Mallory et al. and Szczepanek do not teach “detecting a limited automatic repeat request (LARQ) header in a frame with a priority tag”. Examiner contends Mallory et al. implicitly disclose and teach “detecting a limited automatic repeat request (LARQ) header in a frame with a priority” (column 21, lines 67, column 22, lines 1 – 15); Applicant argues that Mallory et al. and Szczepanek do not teach or suggest “stripping the LARQ header and a frame check sequence (FCS) in the frame with the priority tag. Examiner contends Mallory et al. disclose and teach “stripping the LARQ header and a frame check sequence (FCS) in the frame with the priority tag (column 39, lines 58 – 67; column 41, lines 51 – 67); Applicant argues that

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Mallory and Szczepanek do not teach or suggest "recalculating the FCS for the stripped frame with the priority tag; and adding the recalculated FCS to the stripped frame with the priority tag. Examiner contends Szczepanek discloses and teach recalculating the FCS for the stripped frame with the priority tag (Fig. 3, column 3, lines 47 – 53; lines 31 – 36); and adding the recalculated FCS to the stripped frame with the priority tag (column 3, line 57 – 67, column 4, lines 1 – 13; lines 63 – 67; column 5, lines 1 – 12, lines 24 – 40).

Regarding claim 9, Applicant argues that Mallory et al. and Szczepanek do not teach or suggest "an Ethernet controller". Examiner contends Mallory discloses and teach Ethernet controller (Fig. 4a) (column 10, lines 51 – 53; lines 33 – 57).

Regarding claims 2, 6, 10, Applicant argues that Mallory et al. and Szczepanek do not teach or suggest "placing information in the LARQ header in a frame status frame which follow the stripped frame with the priority tag". Examiner contends Mallory et al. disclose and teach "placing information in the LARQ header in a frame status frame which follow the stripped frame with the priority tag" (column 39, lines 66 – 67; column 40, lines 1 – 9; column 41, lines 65 - 67).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ACL

Jan 25, 2006


Ajit Patel
Primary Examiner